

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

ALAN NEWTON,

V.

THE CITY OF NEW YORK, et al.
(See Attached Rider "A" for list of other Defendants)

SUMMONS IN A CIVIL CASE

CASE NUMBER:

07 CV 6211

JUDGE SCHEINDLIN

TO: (Name and address of defendant)

The City of New York
c/o Comptroller of the City of New York
1 Centre Street
New York, NY 10007 (See Attached Rider "B" for list of other Defendants)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John F. Schutty, Esq.
Law Office of John F. Schutty, P.C.
445 Park Avenue, 9th Floor
New York, NY 10022

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

JUL 03 2007

DATE

(BY) DEPUTY CLERK

RIDER A TO SUMMONS

List of Defendants

THE CITY OF NEW YORK; DISTRICT ATTORNEYS MARIO MEROLA AND ROBERT T. JOHNSON, INDIVIDUALLY, AND IN THEIR OFFICIAL CAPACITY; ANDREA FREUND AND VARIOUS JOHN/JANE DOES, INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES AS EMPLOYEES OF THE CITY OF NEW YORK WHO ARE/ WERE ASSISTANT DISTRICT ATTORNEYS WITHIN THE OFFICE OF THE DISTRICT ATTORNEY, COUNTY OF BRONX; DETECTIVE JOANNE NEWBERT, DETECTIVE PHILLIP GALLIGAN, DETECTIVE [JOHN DOE] HARTFIELD, DETECTIVE [JOHN DOE] RYAN, DETECTIVE [JOHN DOE] HARRIS, POLICE OFFICER DOUGLAS LEHO, POLICE OFFICER WILLIAM SEAN O'TOOLE, LIEUTENANT MICHAEL SHEEHAN, SERGEANT PATRICK J. McGUIRE, POLICE OFFICER [JOHN DOE] HASKINS, POLICE OFFICER [JANE DOE] KIELY, INSPECTOR JACK J. TRABITZ AND VARIOUS JOHN/JANE DOES, INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES AS EMPLOYEES OF THE CITY OF NEW YORK WHO ARE/ WERE MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF NEW YORK,

Defendants.

ALAN NEWTON

Plaintiff(s)

- against -

Index # 07 CV 6211

THE CITY OF NEW YORK, ETAL.

Purchased July 3, 2007

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

ANDERSON CHAN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on July 10, 2007 at 10:29 AM at

C/O OFFICE OF THE CORPORATION COUNCIL
100 CHURCH ST., 4TH FL
NEW YORK, NY10007

deponent served the within SUMMONS AND COMPLAINT on THE CITY OF NEW YORK therein named,

CORPORATION a DOMESTIC corporation by delivering thereat a true copy of each to MADELYN SANTANA, LEGAL CLERK personally, deponent knew said corporation so served to be the corporation described in said SUMMONS AND COMPLAINT as said Defendant and knew said individual to be AUTHORIZED to accept thereof.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
FEMALE	BROWN	BLACK	40	5'6	120


That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: July 10, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

MICHAEL SMITH
Notary Public, State of New York
No. 01SM4987428
Qualified in New York County
Comm. Expires June 8, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010


ANDERSON CHAN
License #: 1220482
Invoice #: 443784

ALAN NEWTON

Plaintiff(s)

- against -

Index # 07 CV 6211

THE CITY OF NEW YORK, ETAL.

Purchased July 3, 2007

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

WILLIAM MORRISON BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on July 9, 2007 at 02:15 PM at

900 SHERIDAN AVE, 4TH FL
BRONX, NY

deponent served the within SUMMONS AND COMPLAINT on ROBERT T. JOHNSON, ESQ. therein named,

**SUITABLE
AGE**

by delivering thereat a true copy of each to LATOYA WILLIAMS a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. She identified herself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	BLACK	BLACK	23	5'4	110

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

900 SHERIDAN AVE, 4TH FL
BRONX, NY

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on July 10, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

**MILITARY
SERVICE**

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: July 10, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

MICHAEL SMITH
Notary Public, State of New York
No. 01SM4997428
Qualified in New York County
Comm. Expires June 8, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010

WILLIAM MORRISON

License #: 870436

Invoice #: 443783

UNITED PROCESS SERVICE, INC. 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 619-0728

ALAN NEWTON

Plaintiff(s)

- against -

Index # 07 CV 6211

THE CITY OF NEW YORK, ETAL.

Purchased July 3, 2007

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

WILLIAM MORRISON BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on July 9, 2007 at 01:20 PM at

IROM, WITTELS, FREUND, BERNE & SERRA, P.C.
349 EAST 149TH STREET
ROOM 712
BRONX, NY 10451

deponent served the within SUMMONS AND COMPLAINT on ANDREA FREUND, ESQ. therein named,

SUITABLE AGE

by delivering thereat a true copy of each to PEPRA PARRENO a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. She identified herself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	BROWN	BLACK	53	5'4	155

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

IROM, WITTELS, FREUND, BERNE & SERRA, P.C.
349 EAST 149TH STREET
ROOM 712
BRONX, NY 10451

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on July 10, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

MILITARY SERVICE

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.


That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: July 10, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

MICHAEL SMITH
Notary Public, State of New York
No. 01SM4997428
Qualified in New York County
Comm. Expires June 8, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010


WILLIAM MORRISON
License #: 870436
Invoice #: 443782

ALAN NEWTON

Plaintiff(s)

- against -

Index # 07 CV 6211

THE CITY OF NEW YORK, ETAL.

Purchased July 3, 2007

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

ANDERSON CHAN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on July 10, 2007 at 02:30 PM at

NYCPD PROPERTY CLERK DIVISION
ONE POLICE PLAZA
ROOM 208
NEW YORK, NY 10038

deponent served the within SUMMONS AND COMPLAINT on INSPECTOR JACK J. TRABITZ therein named,

SUITABLE AGE

by delivering thereat a true copy of each to MS. KIRKSEY a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. She identified herself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	BROWN	BLACK	30	5'6	200

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

NYCPD PROPERTY CLERK DIVISION
ONE POLICE PLAZA
ROOM 208
NEW YORK, NY 10038

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on July 11, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

MILITARY SERVICE

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: July 11, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

MICHAEL SMITH
Notary Public, State of New York
No. 01SM4997428
Qualified in New York County
Comm. Expires June 8, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010


ANDERSON CHAN

License #: 1220482

Invoice #: 443785

ALAN NEWTON

Plaintiff(s)

- against -

Index # 07 CV 6211 (SCHEINDLIN)

THE CITY OF NEW YORK, ETAL

Purchased July 3, 2007

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

ANDERSON CHAN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on September 17, 2007 at 02:00 PM at

C/O NYPD
ONE POLICE PLAZA, ROOM 1406
NEW YORK, NY 10038

deponent served the within SUMMONS AND COMPLAINT; INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN; INDIVIDUAL RULES AND PROCEDURES JUDGE SHIRA A.* on LIEUTENANT MICHAEL SHEEHAN therein named,

**SUITABLE
AGE**

by delivering thereat a true copy of each to JOHNATHAN DAVID a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
MALE	WHITE	GRAY	50	5'9	170

MAILING Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

C/O NYPD
ONE POLICE PLAZA, ROOM 1406
NEW YORK, NY 10038

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on September 17, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

**MILITARY
SERVICE**

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.


* SCHEINDLIN

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: September 17, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010


ANDERSON CHAN
License #: 1220482
Invoice #: 447934

ALAN NEWTON

Plaintiff(s)

- against -

Index # 07 CV 6211 (SCHEINDLIN)

THE CITY OF NEW YORK, ETAL

Purchased July 3, 2007

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

ANDERSON CHAN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on September 17, 2007 at 02:00 PM at

C/O NYPD
ONE POLICE PLAZA, ROOM 1406
NEW YORK, NY 10038

deponent served the within SUMMONS AND COMPLAINT; INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN; INDIVIDUAL RULES AND PROCEDURES JUDGE SHIRA A.* on SERGEANT PATRICK J. MCGUIRE therein named,

**SUITABLE
AGE**

by delivering thereat a true copy of each to JOHNATHAN DAVID a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
MALE	WHITE	GRAY	50	5'9	170

MAILING Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

C/O NYPD
ONE POLICE PLAZA, ROOM 1406
NEW YORK, NY 10038

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on September 17, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

**MILITARY
SERVICE**

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.


* SCHEINDLIN

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: September 17, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010


ANDERSON CHAN
License #: 1220482
Invoice #: 447930

ALAN NEWTON

Plaintiff(s)

- against -

Index # 07 CV 6211 (SCHEINDLIN)

THE CITY OF NEW YORK, ETAL

Purchased July 3, 2007

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

ANDERSON CHAN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on September 17, 2007 at 02:00 PM at

C/O NYPD
ONE POLICE PLAZA, ROOM 1406
NEW YORK, NY 10038

deponent served the within SUMMONS AND COMPLAINT; INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN; INDIVIDUAL RULES AND PROCEDURES JUDGE SHIRA A. * on POLICE OFFICER DOUGLAS LEHO therein named,

**SUITABLE
AGE**

by delivering thereat a true copy of each to JOHNATHAN DAVID a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
MALE	WHITE	GRAY	50	5'9	170

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

C/O NYPD
ONE POLICE PLAZA, ROOM 1406
NEW YORK, NY 10038

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on September 17, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

**MILITARY
SERVICE**

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

* SCHEINDLIN

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: September 17, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010

ANDERSON CHAN

License #: 1220482

Invoice #: 447930

ALAN NEWTON

Plaintiff(s)

- against -

Index # 07 CV 6211 (SCHEINDLIN)

THE CITY OF NEW YORK, ETAL

Purchased July 3, 2007

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

LUIS AGOSTINI BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on September 14, 2007 at 07:50 PM at

C/O NYPD
BRONX DETECTIVE BUREAU
1086 SIMPSON STREET
BRONX, NY 10459

deponent served the within SUMMONS AND COMPLAINT; INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN; INDIVIDUAL RULES AND PROCEDURES JUDGE SHIRA A.* on POLICE OFFICER WILLIAM SEAN O'TOOLE therein named,

SUITABLE AGE

by delivering thereat a true copy of each to P.O. MEJIA #627 a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
MALE	TAN	BALD	38	5'8	220

GLASSES

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

C/O NYPD
BRONX DETECTIVE BUREAU
1086 SIMPSON STREET
BRONX, NY 10459

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on September 17, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

MILITARY SERVICE

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

*SCHEINDLIN

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: September 17, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010


LUIS AGOSTINI
License #: 1027732
Invoice #: 447931

ALAN NEWTON

Plaintiff(s)

- against -

Index # 07 CV 6211 (SCHEINDLIN)

THE CITY OF NEW YORK, ETAL

Purchased July 3, 2007

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

CARLOS CASTRO BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on September 27, 2007 at 05:00 PM at

C/O NYPD
1 POLICE PLAZA, 14TH FLOOR
NEW YORK, NY 10007

deponent served the within SUMMONS AND COMPLAINT; INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN; INDIVIDUAL RULES AND PROCEDURES JUDGE SHIRA A. * on POLICE OFFICER "JANE DOE" KIELY S/H/A GERALDINE KIELY therein named,

**SUITABLE
AGE**

by delivering thereat a true copy of each to PAA GIL a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. She identified herself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	BROWN	BROWN	30	5'5	140

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

C/O NYPD
1 POLICE PLAZA
NEW YORK, NY 10007

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on September 28, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

**MILITARY
SERVICE**

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

*SCHEINDLIN

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: September 28, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010

CARLOS CASTRO
License #: 1021960
Invoice #: 447933

ALAN NEWTON

Plaintiff(s)

- against -

Index # 07 CV 6211 (SCHEINDLIN)

THE CITY OF NEW YORK, ETAL.

Purchased July 3, 2007

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

ANDERSON CHAN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on October 2, 2007 at 02:40 PM at

ONE POLICE PLAZA, ROOM 1406
NEW YORK, NY 10038

deponent served the within SUMMONS AND COMPLAINT; INDIVIDUAL RULES AND PROCEDURES OF JUDGE SHIRA A. SCHEINDLIN; 3RD AMENDED INSTRUCTIONS FOR FILING AN* on BERNARD RYAN therein named,

**SUITABLE
AGE**

by delivering thereat a true copy of each to REBECCA CHASEN a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. She identified herself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
FEMALE	WHITE	BROWN	35	5'2	140

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

ONE POLICE PLAZA, ROOM 1406
NEW YORK, NY 10038

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on October 3, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

**MILITARY
SERVICE**

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

* ELECTRONIC CASE OR APPEAL

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: October 3, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010


ANDERSON CHAN

License #: 1220482

Invoice #: 448877

ALAN NEWTON

Plaintiff(s)

- against -

Index # 07 CV 6211 (SCHEINDLIN)

THE CITY OF NEW YORK, ETAL

Purchased July 3, 2007

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BYRAN E. MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on September 24, 2007 at 03:33 PM at

C/O NYPD
POLICE ACADEMY
235 EAST 20TH STREET
ROOM 617
NEW YORK, NY 10003-1801

deponent served the within SUMMONS AND COMPLAINT; INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN; INDIVIDUAL RULES AND PROCEDURES JUDGE SHIRA A.* on DETECTIVE "JOHN DOE" HARRIS S/H/A ROLAND HARRIS therein named,

SUITABLE AGE

by delivering thereat a true copy of each to OFFICER MARTINEZ #8318 a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. She identified herself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

<u>Sex</u>	<u>Skin Color</u>	<u>Hair Color</u>	<u>Age (Approx.)</u>	<u>Height (Approx.)</u>	<u>Weight (Approx.)</u>
<u>FEMALE</u>	<u>BROWN</u>	<u>BROWN</u>	<u>40</u>	<u>5'3</u>	<u>145</u>

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

C/O NYPD
POLICE ACADEMY
235 EAST 20TH STREET
ROOM 617
NEW YORK, NY 10003-1801

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on September 25, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

MILITARY SERVICE

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

*SCHEINDLIN

Sworn to me on: September 25, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010

BYRAN E. MCELDERRY

License #: 869802

Invoice #: 447932

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: September 25, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010

BYRAN E. MCELDERRY

License #: 869802

Invoice #: 447932

Case No. 07 CV 6211 (Scheidlin)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Alan Newton,

Plaintiff,

v.

The City of New York, *et al.*,

Defendants.

**SUMMONS WITH PROOF
OF SERVICE ON
DEFENDANTS**

LAW OFFICE OF JOHN F. SCHUTTY P.C.

Attorney for Plaintiff

*445 Park Avenue, 9th Floor
Borough of Manhattan
New York, New York 10022
(212) 836-4796*